

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CECIL L. PULLUAIM,

Defendant.

Case No. 23-00255-01-CR-W-HFS

**MOTION OF THE UNITED STATES FOR PRETRIAL  
DETENTION AND A HEARING PURSUANT TO  
TITLE 18, UNITED STATES CODE, SECTION 3142(f)**

COMES NOW the United States of America, by Teresa A. Moore, United States Attorney, and the undersigned Assistant United States Attorney, both for the Western District of Missouri, and hereby moves the court to hold a hearing pursuant to 18 U.S.C. § 3142(f), for the purpose of demonstrating that no condition or combination of conditions of release will reasonably assure the safety of other persons and the community if defendant is granted bond, nor will any conditions secure defendant's appearance, and that therefore the defendant should be detained.

**SUPPORTING SUGGESTIONS**

1. Subsection 3142(f), Title 18, United States Code, provides that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions will reasonably assure the defendant's appearance and the safety of any other person in the community if the attorney for the Government moves for such a hearing and if the case is in any one of the following categories:

A. The case involves a crime of violence, a term defined at Section 3156 to include either:

1. an offense that has as an element of the use, attempted use, or threatened use of physical force against the person or property of another;

2. any other offense that is a felony and by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of its commission; or

3. **any felony under chapter . . . 110 [18 U.S.C. §§ 2251 through 2260]**

. . .

B. The case involves an offense where the maximum sentence is life imprisonment or death.

C. The case is a narcotics case under Title 21, United States Code, for which imprisonment for ten years or more is prescribed.

D. Any felony, even a non-violent felony not involving drugs, if the person already has two or more convictions for a crime of violence, a crime punishable by life imprisonment, or a ten year drug felony.

E. Any felony that is not otherwise a crime of violence that involves a minor victim or that involves the possession or use of a firearm or destructive device, or any other dangerous weapon, or involves a failure to register under Section 2250 of Title 18, United States Code.

2. The statute recognizes two additional situations which allow for a detention hearing, and which can be raised either by the attorney for the Government or by a judicial officer. These conditions are:

A. When there is a serious risk that the defendant will flee; or

B. When there is a serious risk that the person will “obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror.”

3. One or more grounds for pretrial detention and a pretrial detention hearing as set forth by the statute exists in the above cause, to wit:

**A. The Defendant is Charged with a Crime of Violence**

Probable cause exists to believe that the defendant committed ten counts of production of child pornography and one count of possession of child pornography in violation of Chapter 110, 18 U.S.C. §§ 2251 and 2252. These are crimes of violence as defined by 18 U.S.C. § 3156(a)(4)(A) and referred to in 18 U.S.C. § 3142(f)(1)(A).

**B. The Law Provides a Rebuttable Presumption That No Combination of Conditions Will Reasonably Assure the Safety of the Community**

Pursuant to 18 U.S.C. § 3142(e)(3)(E), the law provides that, when a judicial officer finds that there is probable cause to believe that the defendant has committed an offense involving a minor under § 2251, which defendant has been charged with, “[s]ubject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure . . . the safety of the community.”

**C. The Defendant is a Danger to the Community**

The investigation of this offense has uncovered evidence that the defendant is a danger to the community, and specifically a danger to minors in that the defendant, on multiple occasions over a period of several years, sexually abused a minor known to him, and on the dates alleged in the Indictment the defendant produced video recordings of his sexual abuse of the minor and of

the minor engaging in sexually explicit conduct, such images being the subject of the instant Indictment.

**D. The Defendant is a Potential Flight Risk**

The defendant is a potential flight risk because he is aware of the extensive potential punishment awaiting him upon conviction. The charges the defendant faces carry a statutory punishment of not less than 15 years to not more than 30 years imprisonment (Counts One through Ten). Moreover, because of the egregious nature of the defendant's conduct, the government anticipates seeking one or more consecutive sentences upon conviction that could result in a term of imprisonment greater than 30 years.

**CONCLUSION**

The defendant has engaged in multiple crimes of violence over a significant period of time. He is a proven risk to minors, and he is aware of the minimum mandatory sentence that his charges carry. The potential punishment maximizes the defendant's risk of flight.

WHEREFORE, the Government respectfully requests that this Honorable Court set a detention hearing to demonstrate that no condition or combination of conditions will reasonably assure the safety of the community or diminish the defendant's risk of flight in the face of strong

evidence which will exact a lengthy prison sentence. The Government further requests that the Court thereafter detain defendant without bail.

Respectfully submitted,

Teresa A. Moore  
United States Attorney

By */s/David Luna*

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#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was delivered on November 29, 2023, to the CM-ECF system of the United States District Court for the Western District of Missouri, and a copy of the foregoing will be hand-delivered to the defendant at his first appearance before a judicial officer.

*/s/ David Luna*

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David Luna  
Assistant United States Attorney